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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 27th day of May, 1998

Before :

THE HON'BLE MR. JUSTICE R.V. RAVEENDRAN

H.R.R.P. No. 670 of 1998

J.P. Sujatha, Proptrix,
M/s. Sujatha Handlooms,
w/o Dr. S. Nagaraju,
r/a No.75/5, New No.13/2,
'A' Block, C.K. Channappa Garden,
1st Cross, Lalbagh Road,
Bangalore - 560 027

.. Petitioner

(Smt J.P. Sujatha, Party-in-person)

-Vs-

1. The Divisional Commissioner,
Bangalore Division,
Viswaraiah Towers,
Bangalore - 560 001;
2. The Rent and Accommodation
Controller, South Range,
Viswaraiah Towers,
Bangalore - 560 001;
3. B.G. Raghu,
s/o Sri B.C. Gangadharaiiah,
residing at No.14,
4th Cross, Lakkasandra,
Bangalore - 560 030

.. Respondents

H.R.R.P. is filed praying to quash the KRC Act against the order dated 13-2-1998 passed in HRC Appeal No.36/91-92 passed by the Divisional Commr., Bangalore Division, dismissing the appeal and confirming the order passed by the Rent controller, in HRC No.20/88 fixing the fair rent of Rs.215/- per month.

This H.R.R.P. coming on for orders this day, the Court made the following:-

O R D E R

The petitioner has filed this revision petition under Section 50(1) of the Karnataka Rent Control Act, 1961, against the order of the first respondent in HRC.Appeal No.36/1991-92 confirming the order of the second respondent in HRC.FRC(S) 20/1988. The office has raised an objection pointing out that a revision petition under Section 50(1) of the Act is not maintainable against the appellate court of the Divisional Commissioner.

2. It is seen that the petitioner-landlord had filed an appeal under Section 12 of the Act against the order fixing fair rent. Such an appeal was not maintainable as Sec 12 provides for appeals only against the orders passed under the Part (II) of the Act. Fixing of fair rent falls under part III. Having wrongly filed an appeal before the Divisional Commissioner, and the Divisional Commissioner having passed the order on merits, in such an appeal, the petitioner will have to file a writ petition, challenging the two orders.

RMR

3. In view of above, the revision is not maintainable. The office objection is upheld and the petition is accordingly rejected.

Sd/-
JUDGE

*pjk/ujk